

more, and such person has control over the vehicle pursuant to the definition of control of this section.

*Person* includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

*Under normal circumstances garaged at personal residence* means a vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a central refueling, maintenance, and/or business location. Such vehicles are not considered to be capable of being central fueled (as defined in this subpart) and are exempt from the program unless they are, in fact, centrally fueled.

*Vehicle used for motor vehicle manufacturer product evaluations and tests* means a vehicle that is owned and operated by a motor vehicle manufacturer (as defined in section 216(1) of the Act), or motor vehicle component manufacturer, or owned or held by a university research department, independent testing laboratory, or other such evaluation facility, solely for the purpose of evaluating the performance of such vehicle for engineering, research and development, or quality control reasons.

[58 FR 64691, Dec. 9, 1993, as amended at 59 FR 50080, Sept. 30, 1994]

#### § 88.303-93 Abbreviations.

The abbreviations in subpart A of this part and in 40 CFR part 86 apply to this subpart. The abbreviations in this section apply to this subpart.

ILEV—Inherently Low-Emission Vehicle.

#### § 88.304-94 Clean-fuel Fleet Vehicle Credit Program.

(a) *General.* (1) The SIP revision shall provide for a CFFV credit program to enable covered fleet owners/operators to meet the fleet vehicle purchase requirements of the CAA both by purchasing clean-fuel vehicles (CFVs) directly and by trading and banking CFFV credits for vehicle purchases.

(2) All credit-generating vehicles must meet the applicable emission

standards and other requirements contained in 40 CFR part 88, subpart A.

(b) *Program administration.* (1)(i) Each state in which there is all or part of a covered area, as defined in CAA section 246(a)(2), shall promulgate regulations as necessary for implementing this requirement.

(ii) The state shall submit a SIP revision before May 15, 1994 to the Administrator stipulating the specific mechanism by which the CFFV program is to be administered and enforced. The credit program shall commence upon EPA approval of the SIP in accordance with CAA section 246(f)(5).

(2) A fleet owner who purchases/leases a CFFV only to generate CFFV credit shall be subject to the same requirements of the state's CFFV program as a covered fleet owner who purchases/leases a CFFV to demonstrate compliance with covered fleet purchase requirements.

(3) While in the covered area, a dual-fuel/flexible-fuel vehicle which a fleet owner purchases to comply with covered fleet purchase requirements must be operated at all times on the fuel(s) on which it was certified as a CFFV. If the fleet owner receives credit for a dual-fuel/flexible-fuel vehicle purchase, the vehicle must be operated at the same emission level for which the vehicle generated CFFV credit.

(c) *Credit generation.* (1) States shall grant CFFV credits to a covered fleet owner for any of the following qualifying CFFV purchases:

(i) Purchase of a CFFV during any period subsequent to the approval of the SIP revision but prior to the effective date for commencement of a state's CFFV purchase requirement if the purchase meets all other CFFV requirements applicable to such purchases, including the statutory requirement to use only the fuel on which the vehicle was certified as a CFFV;

(ii) Purchase of a greater number of CFFVs than is required under the SIP revision;

(iii) Purchase of a CFFV which meets more stringent emission standards than required under the SIP revision; or

(iv) Purchase of a CFFV in an exempt or non-covered vehicle category by the